

ORDINANCE NUMBER 94- 02

AN ORDINANCE REGARDING GARAGE SALES

BE IT ORDAINED, by the Town Council of the Town of Trinity, Alabama as follows:

Section 1. Definitions. For the purposes of this ordinance, the term "garage sale" shall mean and include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "flea market sale", or any other similar casual sale of tangible personal property whereby there is a display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the town limits of the Town of Trinity, which goods, wares or merchandise are household furnishings or personal possessions of the persons conducting the sale and residing at the premises.

Section 2. Property acquired for resale not to be offered. The offer for sale by means of a "garage sale" of property which has been specifically acquired for resale, or the consignment of which has been accepted for display and offered for sale at a "garage sale" is specifically prohibited.

Section 3. Duration. It shall be unlawful for any person to hold a garage sale of longer duration than two (2) consecutive days.

Section 3. Number per calendar year. It shall be unlawful for any person to hold or conduct more than three (3) garage sales within the same calendar year, and not more than one (1) within a consecutive four-month period. Provided, however, that under no circumstances shall the same residential lot be used for more than a total of three (3) garage sales within the same calendar year.

Section 4. Permit.

(a) Required. It shall be unlawful for any person to conduct a garage sale in the town without first filing with the town clerk the information hereinafter specified and obtaining from such clerk a permit to do so, to be known as a "garage sale permit." There shall be no fee charged for the permit to a person for conducting the garage sale.

(b) Display. Each permit issued under this ordinance must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the permitted sale.

Section 5. Information required. The information to be filed with the town clerk, pursuant to this ordinance shall be as follows:

(a) Name of each person conducting the sale.

(b) Name of owner of the property on which the sale is to be conducted, and consent of owner, if applicant is other than the owner.

(c) Location at which sale is to be conducted.

(d) Dates and number of days of sale and the hours that sale will be conducted.

(e) Date, nature of any past sale by applicant or any sale participant.

(f) Relationship or connection applicant may have had with any other person conducting the sale and the date or dates of such sale.

(g) whether or not applicant has been issued any other vendor's license by any local, state or federal agency.

(h) Sworn statement or affirmation by the person signing that the information therein is full and true and known to that person to be so.

Section 6. Exceptions. The provisions of this ordinance shall not apply or to affect the following persons or sales:

(a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(b) Persons acting in accordance with their powers and duties as public officials.

(c) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

(d) Schools, churches, or other non-profit organizations as approved by the Town.

Section 7. Penalties. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$250.00 or may be sentenced to jail for not more than thirty (30) days or by both fine and imprisonment.

Section 8. Savings Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not invalidate or render unenforceable any other provision hereof.

Section 9. Effectiveness. This ordinance shall be effective upon adoption, approval and publication as required by law.

ADOPTED this 22 day of February, 1994.

APPROVED:

Wayne Johnson
MAYOR

ATTEST:

J. B. Tate
CLERK